

REMARKS**I. Introduction**

The Final Action finally rejects claim 1-18 under 35 U.S.C. § 103(a). The Applicant respectfully submits that this response fully traverses these rejections, and respectfully asks the Examiner to withdraw them. Claims 1-18 remain pending in the present application.

II. Incomplete Office Action

Page 5 of the Final Action seems to conclude at the end of a paragraph, whereas the top of page 6 appears to begin both mid-sentence and mid-list (list elements “b” and “c” are present but no “a”). Further, the end of page 5 seems to conclude a recitation of case law relating to the propriety of various sources of motivation, whereas the top of page 6 seems to be the latter portions of the Examiner’s response to the Applicant’s specific arguments from the response mailed August 23, 2004 (hereinafter “Previous Response”). Thus, it appears that a significant portion of the Examiner’s remarks have been inadvertently deleted. Without the benefit of the Examiner’s complete response, the Applicant respectfully asserts that they do not have a full and fair opportunity to respond. Therefore, the Applicant respectfully asks that the Examiner withdraw the finality of the Final Action, and resubmit a new of Office Action containing all of the Examiner’s intended responses. In an effort to further prosecution, however, the Applicant has attempted to respond to the Examiner’s Final Rejection as they understand it.

III. Rejections

Claims 1, 2, 6–10, and 13–18 stand finally rejected as obvious in light of a combination of *Tal*, U.S. Patent No. 6, 535, 856 (hereinafter *Tal*), and *Nozue et al.*, U.S. Patent No. 5,890,189 (hereinafter *Nozue*). However, the Applicant respectfully asserts that the combination of *Tal* and *Nozue* do not teach or suggest each and every element of the rejected claims, thus the Final Action has failed to establish a *prim facie* rejection for claims 1, 2, 6-10, and 13-18. Claim 1 recites:

a memory storing a plurality of payment and non payment applications;

a memory management unit for separating said applications in said memory, thereby permitting said non payment applications to exist with said payment application without requiring additional certification

The Applicant respectfully points out that claim 1 requires “a memory storing a plurality of payment and non payment applications,” and respectfully asserts that *Tal* does not teach or suggest a memory storing applications. Instead, *Tal* teaches database 34.n, which is a database storing data entries. Nor does *Tal* disclose a “memory management unit.” The Final Action attempts to equate database 34.n with a “memory management unit”, but the Applicant respectfully points out that the claim 1 “memory management unit” must be capable of “separating said applications in said memory, thereby permitting said non payment applications to exist with said payment application without requiring additional certification.” Database 34.n is not described by *Tal* as being capable of performing these tasks. Rather, *Tal* portrays database 34.n as a database of the type well known in the art, and performing the task of merely holding separate data entries. While not relied on by the Final Action to do so, the Applicant respectfully submits that *Nozue* does not teach these limitations either. Therefore, the Final Action does not establish a prima facie case for rejecting claim 1, and the Applicant respectfully asks the Examiner to withdraw the rejection.

In the Previous Response, the Applicant pointed out that claim 8 recites “storing a plurality of payment and non-payment applications in separate memory locations within said terminal;” a limitations neither taught nor suggested by the combination of *Tal* and *Nozue*. Both the Final Action and the Previous Action appear to imply that database 34.n in FIGURE 3 of *Tal* incorporates this limitation. However, the Applicant respectfully asserts that no element of *Tal* performs the action of storing a plurality of payment and non-payment applications. Nor can such actions be inferred from the existence of database 34.n, as this element is taught by *Tal* to be a mere database storing individual data entries, not applications. Although the Current Action does not rely on it to do so, *Nozue* does not appear to teach or suggest this limitation either. Therefore, the combination of *Tal* and *Nozue* does not teach or suggest every limitation of claim 8, and the Current Action fails to establish a prima facie case. The Applicants respectfully ask the examiner to withdraw the rejection of claim 8.

In the Previous Action, the Applicant pointed out that Claim 15 recites “a terminal for accepting data from a credit card in conjunction with point of sale purchase information,” and that neither *Tal* nor *Nozue* teach or suggested this limitation. In the Final Action, the Examiner contends that *Tal* “discloses this limitation in col. 3, lines 44-59, specifically communication module 22 which includes one or more cards.” However, a review of this citation in *Tal* shows that communication module links the service center to the network, and that the “cards” referred to by the Final Action are computer communication cards coupled to a PCI bus. Such a module can not be said to be “a terminal for accepting data from a credit card in conjunction with point of sale purchase information,” and computer communications cards are not credit cards. Therefore, the combination of *Tal* and *Nozue* does not teach or suggest every limitation of claim 15, and the Current Action fails to establish a *prima facie* case. The Applicants respectfully ask the examiner to withdraw the rejection of claim 15.

Claims 2, 6, 7, 9, 10, 13, 14, and 16–18 depend either directly or indirectly from claims 1, 8, or 15. Although claims 2, 6, 7, 9, 10, 13, 14, and 16–18 all recite limitations that make them patentable in their own right, they are at least patentable for depending from a patentable base claim. Therefore, the Applicants respectfully ask the Examiner to withdraw the rejections to claims 2, 6, 7, 9, 10, 13, 14, and 16–18 as well.

Claims 3–5, 11, and 12 are rejected as obvious in light of *Tal*, *Nozue*, and in further light of *Ishiguro et al.*, U.S. Patent No. 5,446,796 (hereinafter *Ishiguro*). However, claims 3–5 depend from claim 1, and claims 11 and 12 depend from claim 8. Thus each of claims 3–5, 11, and 12 inherits all of the limitations of its respective base claim. As argued above, the combination of *Tal* and *Nozue* does not teach or suggest “a memory storing a plurality of payment and non-payment applications,” as recited by claim 1. Nor does the combination teach or suggest “storing a plurality of payment and non-payment applications in separate memory locations within said terminal,” as recited by claim 8. Although the Current Action does not rely on it to do so, *Ishiguro* does not appear to teach or suggest these limitations either, thus the combination of *Tal*, *Nozue* and *Ishiguro* does not teach or suggest every limitation of claims 3–5, 11, and 12. Therefore, the Current Action fails to establish a *prima facie* case, and the Applicants respectfully ask the examiner to withdraw the rejection of claims 3–5, 11, and 12.

IV. Conclusion

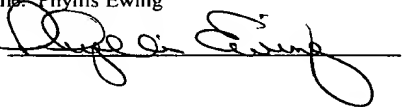
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10013451-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Airbill No. EV37534555US in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: January 10, 2005

Typed Name: Phyllis Ewing

Signature: 

Respectfully submitted,

By 

Michael A. Papalas

Reg. No.: 40,381

Date: January 10, 2005

Telephone No. (214) 855-8186